

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA : S5 22 Cr. 673 (LAK)
v. :
SAMUEL BANKMAN-FRIED, :
Defendant. :
:

**DECLARATION OF CHRISTIAN R. EVERDELL IN SUPPORT OF DEFENDANT
SAMUEL BANKMAN-FRIED'S PRETRIAL MOTIONS**

I, Christian R. Everdell, an attorney duly admitted to practice before this Court hereby declare pursuant to 28 U.S.C. § 1746 and Local Criminal Rule 16.1 as follows:

1. I am a partner of the law firm Cohen & Gresser LLP, attorneys for Defendant Samuel Bankman-Fried.

I. PRETRIAL MOTION 1

2. Attached as Exhibit 1 is a true and correct copy of the Affidavit of Samuel Bankman-Fried sworn to on December 20, 2022 in the Magistrates' Court Criminal Division in the Commonwealth of the Bahamas, attaching the December 10, 2022 Diplomatic Note from the Embassy of the United States of America to the Commonwealth of the Bahamas and attaching the arrest warrant issued by the United States District Court for the Southern District of New York for Mr. Bankman-Fried on December 9, 2022. Page numbers have been inserted for ease of reference.

3. Attached as Exhibit 2 is a true and correct copy of the Warrant of Surrender of Samuel Bankman-Fried, executed by Frederick A. Mitchell, Minister of Foreign Affairs, on behalf of the Commonwealth of the Bahamas, dated December 21, 2022, bearing Bates numbers

SDNY_03_01098055 through SDNY_03_01098081 and attaching a copy of the Extradition Treaty Between the Government of the United States of America and the Government of the Commonwealth of the Bahamas, Bah.-U.S., Mar. 9, 1990, S. Treaty Doc. No. 102-17.

4. Attached as Exhibit 3 is a true and correct copy of The Bahamas Extradition Act, Chap. 96 of the statute laws of the Bahamas.

5. Attached as Exhibit 4 is a true and correct copy of the rough transcript of the hearing held on December 21, 2022 in *In the Matter of a Request by the United States for the Extradition of Samuel Bankman-Fried* before the Magistrates' Court in the Commonwealth of the Bahamas. Page numbers have been inserted in the transcript for ease of reference.

6. Attached as Exhibit 5 is a true and correct copy of *Superintendent of Her Majesty's Foxhill Prison and the Government of the United States of America v. Viktor Kozeny*, [2012] UKPC 10 Privy Council Appeal No. 0073 of 2010 (appeal taken from Bah.).

II. **PRETRIAL MOTION 3**

7. Attached as Exhibit 6 is a true and correct copy of the Certificate of Incorporation in Antigua and Barbuda for FTX Trading Ltd. on April 2, 2019, bearing Bates number SDNY_03_00506266.

8. Attached as Exhibit 7 is a true and correct copy of an email from Igor Voloshin to Daniel Friedberg, dated February 28, 2020, regarding Tether Gold Analysis, bearing Bates number SDNY_03_00567632.¹

¹ At the request of the Government, we have redacted email addresses, phone numbers, and fax numbers from the documents produced in discovery, as well as names of certain individuals. The Government has indicated that they will be making a sealing request to the Court with respect to those individuals shortly.

III. PRETRIAL MOTION 4

9. Attached as Exhibit 8 is a true and correct copy of an email from Neil Reiff to Micah Gill, et al., dated December 14, 2022, regarding New York Democratic Party, bearing Bates number SDNY_03_00662417.

IV. PRETRIAL MOTION 5

10. Attached as Exhibit 9 is a true and correct copy of an excerpt of the transcript of the hearing held on February 6, 2023 in the United States Bankruptcy Court, District of Delaware, in *In re: FTX Trading Ltd., et al.*, Case No. 22-11068.

11. Attached as Exhibit 10 is a true and correct copy of excerpted emails between Samuel Raymond and Stephanie Wheeler, et al., dated January 6 – January 13, 2023, regarding FTX Priority Requests for Documents and Presentations, bearing Bates numbers SDNY_03_00568314 through SDNY_03_00568315 and SDNY_03_00568321 through SDNY_03_00568322.

12. Attached as Exhibit 11 is a true and correct copy of an email from Shane Yeargan to Nicolas Roos et al., dated December 16, 2022, regarding FTX, bearing Bates number SDNY_02_00449361.

13. Attached as Exhibit 12 is a true and correct copy of an excerpted invoice from Fenwick & West LLP, dated January 26, 2021, bearing Bates numbers SDNY_03_00208353 and SDNY_03_00208375.

14. Attached as Exhibit 13 is a true and correct copy of an excerpt of the transcript of the hearing held on April 12, 2023 in the United States Bankruptcy Court, District of Delaware, in *In re: FTX Trading Ltd., et al.*, Case No. 22-11068.

15. I have conferred with the Government in good faith to resolve by agreement the issues raised by the motion for a bill of particulars and relating to other discovery matters without the intervention of the Court and have been unable to reach an agreement.

16. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated: May 8, 2023
New York, New York

Respectfully submitted,



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